

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

Madoff Securities International Limited,  
  
Debtor in Foreign Proceeding.

Case No.: 09-12998  
Chapter 15

STEPHEN JOHN AKERS, MARK RICHARD  
BYERS, ANDREW LAURENCE HOSKING (Joint  
Provisional Liquidators of Madoff Securities  
International Limited),  
Plaintiffs,

Adv. Pro. No. 09-01186 (CGM)

v.

PETER B. MADOFF.  
Defendant.

**ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT  
DISMISS PROCEEDING FOR FAILURE TO PROSECUTE**

On April 14, 2009, Stephen John Akers, Mark Richard Byers, and Andrew Laurence Hosking, serving as the joint provisional liquidators in an English liquidation proceeding as to Madoff Securities International Limited ("MSIL"), filed a Chapter 15 Petition in the United States Bankruptcy Court for the Southern District of Florida. (Order Transferring Adversary Case, ECF No. 26). On May 6, 2009, this adversary proceeding was transferred to this Court. (*See id.*).

**WHEREAS**, Federal Rule of Bankruptcy Procedure 7041 applies Rule 41 of the Federal Rules of Civil Procedure to this matter, and

**WHEREAS**, Rule 41(b) provides for the Court to dismiss a case if "the plaintiff fails to prosecute" the case, "to comply with [the Federal Rules Of Civil Procedure] or a court order." (Fed. R. Civ. P. 41(b)), and

**WHEREAS**, the Court may exercise this power *sua sponte*, (*Pena v. Zazzle Inc.*, 587 F. Supp. 3d 109, 113 (S.D.N.Y. 2022); *113 Martens v. Thomann*, 273 F.3d 159, 179–80 (2d Cir. 2001)), and

**WHEREAS**, no action has been taken in this adversary proceeding by the Plaintiffs in over fourteen years,

**IT IS NOW HEREBY**

**ORDERED**, that Plaintiffs shall appear before the Hon. Cecelia G. Morris, on March 27, 2024, at 11:00 am via ZOOM Gov (CGM) and show cause as to why this Adversary Proceeding should not be dismissed;

**ORDERED**, that Defendants shall appear before the Hon. Cecelia G. Morris, on March 27, 2024, at 11:00 am via ZOOM Gov (CGM);

**ORDERED**, that the hearing may not be adjourned without written permission from the Court.

**Dated: March 15, 2024**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**

Akers,  
Plaintiff  
Madoff,  
Defendant

Adv. Proc. No. 09-01186-cgm

## CERTIFICATE OF NOTICE

District/off: 0208-1

User: admin

Page 1 of 2

Date Rcvd: Mar 18, 2024

Form ID: pdf001

Total Noticed: 3

The following symbols are used throughout this certificate:

| Symbol | Definition   |
|--------|--|
| +      | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| ^      | Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.   |

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 20, 2024:**

| Recip ID | Recipient Name and Address  |
|----------|---|
| aty      | Tina M. Talarchyk, Squire, Sanders & Dempsey LLP, 1900 Phillips Point West, 777 South Flagler Drive, West Palm Beach, FL 33401-6198 |
| dft      | + Peter B. Madoff, 200 Algoma Road, Palm Beach, FL 33480-4902   |

TOTAL: 2

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time            | Recipient Name and Address   |
|----------|----------------------------|----------------------|--|
| ust      | ^ MEBN                     | Mar 18 2024 19:00:49 | United States Trustee, Office of the United States Trustee - NY, Alexander Hamilton Custom House, One Bowling Green, Room 534, New York, NY 10004-1459 |

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address        |
|----------|---------------|-------------------------|
| pla      |               | Andrew Laurence Hosking |
| pla      |               | Mark Richard Byers      |
| pla      |               | Stephen John Akers      |

TOTAL: 3 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309):** Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 20, 2024

Signature: /s/Gustava Winters

**CM/ECF NOTICE OF ELECTRONIC FILING**

District/off: 0208-1

User: admin

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Date Rcvd: Mar 18, 2024

Form ID: pdf001

Total Noticed: 3

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 15, 2024 at the address(es) listed below:**

| <b>Name</b>   | <b>Email Address</b>   |
|---------------|--|
| Eric L. Lewis | on behalf of Plaintiff Stephen John Akers eric.lewis@lewisbaach.com      |
| Eric L. Lewis | on behalf of Plaintiff Mark Richard Byers eric.lewis@lewisbaach.com      |
| Eric L. Lewis | on behalf of Plaintiff Andrew Laurence Hosking eric.lewis@lewisbaach.com |

TOTAL: 3